

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Cheers Wines and Spirits  
Rino Mozzicato, Applicant  
Cheers Wines and Spirits LLC, Backer  
Liquor Permit No. LIP.15031  
Docket No. 2013-634

Case No. 2013-431  
August 29, 2013

**MEMORANDUM OF DECISION**

This matter involves a removal application for a package store liquor permit for Cheers Wines and Spirits, from 112 New Britain Avenue to 125 New Britain Avenue, Plainville, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on August 8, 2013, at which time Rino Mozzicato, applicant and sole member of the backer limited liability company, appeared with counsel. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as a result of a legally sufficient remonstrance questioning the suitability of the proposed location.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Kula conducted a thorough investigation of the removal application, the new application and the remonstrance filed in opposition to the application. As part of his new

application and remonstrance investigation, Agent Kula did an on-site inspection and spoke with the agent for the remonstrants.

The proposed location is in a small plaza located at the corner of New Britain Avenue, a busy commercial street, and Grant Avenue, a residential side street. The parking lot for the plaza cannot be accessed from Grant Avenue and can only be accessed from New Britain Avenue. The area is zoned general commercial. The package store will occupy the remaining vacant space in the plaza and is not yet open. The applicant is purchasing an existing package store business at 112 New Britain Avenue, across the street from the proposed location, to remove it to the 125 New Britain Avenue plaza he owns. The proposed package store is owned by Cheers Wines and Spirits LLC and the plaza itself is owned by RM Realty LLC; the applicant is the sole member of both limited liability companies. The plaza's current tenants are a bakery owned by the applicant's family members and a beauty salon owned by the applicant's wife.

Remonstrants voiced issues concerning rubbish, employees parking on the side streets blocking driveways, delivery trucks using the side streets and idling in front of the remonstrants' residences, and increased traffic impacting children walking to school. These concerns arise from the operation of the existing businesses, particularly the

bakery. Mr. Mozzicato testified that he has increased the available parking by fifteen spaces for a total of approximately 50 spots in the center. He is looking into additional options for employee parking. Agent Kula's investigation revealed nothing questionable about the applicant or the proposed location. The location is properly zoned for the operation of a package store and the town has issued the necessary zoning approvals.

Based upon the testimony and documents presented at the hearing, we cannot find substantial evidence to deny this application for a package store permit. We are hopeful that Mr. Mozzicato will work with his neighbors to address their parking and traffic concerns. We caution the applicant and backer that Sec. 30-39(c) of the Connecticut General Statutes permits a remonstrance to be filed upon the renewal of any liquor permit should the operation of the business so warrant, and it is in everyone's best interest for business owners to cooperate with their neighbors and regulatory authorities.

The determination of factual matters with regard to the suitability of the location of proposed liquor permit premises is vested with the Liquor Control Commission. Crescimanni v. Department of Liquor Control, 41 Conn. App. 83, 674 A.2d 851 (1996). Therefore, based upon the foregoing, we grant the final package store liquor permit application

to Rino Mozzicato and Cheers Wines and Spirits, subject to the agent's final requirements (publication notice, bill of sale and seller's affidavit), and hereby dismiss the remonstrance.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

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Elisa A. Nahas, Esq.  
Presiding Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

Parties:

Rino Mozzicato, Applicant, 61 Butternut Circle, Wethersfield, CT 06109-4002

(Via US Mail and Certified Mail # 7011 2000 0001 0653 4651)

Rino Mozzicato c/o Coleman B. Levy, Esq., Hinckley Allen, 20 Church Street, Hartford, CT 06103-1221

Darlene R. Cox, Agent for Remonstrants, 1 Grant Avenue, Plainville, CT 06062

(Via US Mail and Certified Mail # 7011 2000 0001 0653 34644)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106